

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

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10 Attorneys for
 11 Sybase, Inc. and Informatica Corporation

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

15 SYBASE, INC., a Delaware Corporation, and
 16 INFORMATICA CORPORATION, a Delaware
 Corporation,

Plaintiffs,

17 vs.

18 DATA RETRIEVAL TECHNOLOGY LLC, a
 19 Delaware Corporation,

Defendant.

20
 21 DATA RETRIEVAL TECHNOLOGY LLC, a
 22 Delaware Corporation,

Plaintiff,

23 vs.

24 SYBASE, INC., a Delaware Corporation, and
 25 INFORMATICA CORPORATION, a Delaware
 Corporation,

Defendants.

No.: C08-05481 VRW
 (Related Case No. C09-1909 VRW)

**STIPULATION AND [PROPOSED] CASE
 MANAGEMENT ORDER**

1 Sybase, Inc. and Informatica Corporation, on one hand, and Data Retrieval Technology
2 LLC, on the other, (collectively, the “Parties”) hereby stipulate as follows:

3 WHEREAS, the Court held the Initial Case Management Conference in this proceeding on
4 May 28, 2009;

5 WHEREAS, during the Initial Case Management Conference, the Court determined that all
6 pre-trial requirements of the Patent Local Rules would apply equally to this case and Related Case
7 No. C09-1909; and

8 WHEREAS, the Court’s Calendar Clerk subsequently notified Sybase, Inc. and Informatica
9 Corporation’s counsel by phone that the date for the claims construction hearing in these cases
10 (originally set for March 17, 2010 at 10:00 a.m.), would be moved to March 24, 2010, at 10:00
11 a.m. because of a conflict with a previously set claims construction hearing in *Karl Storz*
12 *Endoscopy-America, Inc. v. Stryker, Inc., et al.*, Case No. 3:09-cv-00355-VRW.

13
14 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED:

15 1. That the Parties jointly submit to the following proposed Case Management Order in
16 this case and Related Case No. C09-1909.

17 DATED: July 2, 2009.

18 REED SMITH LLP

19 By /s/ James A. Daire

20 James A. Daire

21 Attorney for

22 Sybase, Inc. and Informatica Corporation

23 DATED: July 2, 2009.

24 LAW OFFICES OF WAYNE D. PORTER, JR.

25 By /s/ Wayne D. Porter Jr.

26 Wayne D. Porter, Jr.

27 Attorney for

28 Data Retrieval Technology LLC

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CASE MANAGEMENT ORDER

Following the Initial Case Management Conference on May 28, 2009, the Court hereby adopts the following schedule in this case. The parties are ordered to comply with these deadlines:

<u>Deadline</u>	<u>Activity</u>
June 8, 2009	Deadline for DRT to serve its (1) Disclosure of Asserted Claims and Infringement Contentions and (2) Accompanying Document Production. Patent L.R. 3-1, 3-2.
July 23, 2009	Deadline for Plaintiffs to serve their (1) Invalidity Contentions and (2) Accompanying Document Production. Patent L.R. 3-3, 3-4.
November 17, 2009	Deadline for parties to exchange list of claim terms for construction. (Modification of Patent L.R. 4-1.)
December 7, 2009	Deadline for parties to exchange (1) Preliminary Claim Constructions for each term identified by either party for claim construction and (2) identification of references and extrinsic evidence (including percipient and/or expert witnesses) in support of their respective claim constructions. Patent L.R. 4-2.
January 13, 2010	Deadline for parties to file Joint Claim Construction and Prehearing Statement. (Modification of Patent L.R. 4-3.)
February 12, 2010	Deadline for completion of claim construction discovery. Patent L.R. 4-4.
February 17, 2010	Deadline for DRT to serve and file its opening brief and any evidence supporting its claim construction. (Modification of Patent L.R. 4-5(a).)
March 3, 2010	Deadline for Plaintiffs to serve and file their responsive brief and supporting evidence. Patent L.R. 4-5(b).
March 10, 2010	Deadline for DRT to serve and file its reply brief and any rebuttal evidence. Patent L.R. 4-5(c).
March 22, 2010, 10:00 a.m.	Initial Technology Tutorial prior to Claim Construction Hearing.
March 24, 2010, 10:00 a.m.	Claim Construction Hearing. Patent L.R. 4-6.

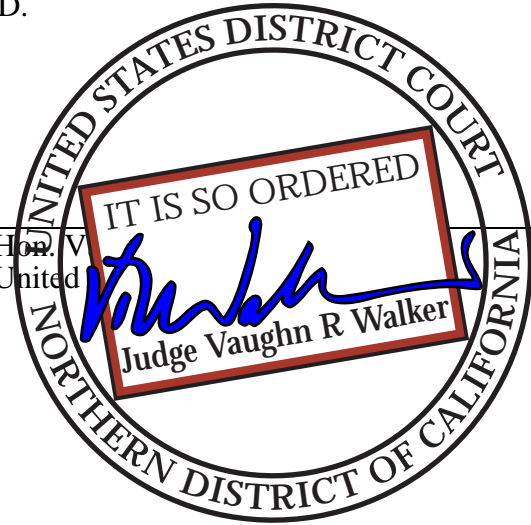
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	April 15, 2010, 3:30 p.m.	Further Case Management Conference (updated Case Management Statement due by April 8, 2010).
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PURSUANT TO STIPULATION, SO ORDERED.

DATED: July 16, 2009.

By

Hon. V.
United



CERTIFICATE OF CONCURRENCE

I hereby attest that concurrence in the filing of this document has been obtained by the above named signatories.

/s/ James A. Daire

James A. Daire

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